MINUTES OF FAUQUIER COUNTY PLANNING COMMISSION MARCH 27, 2003

The Fauquier County Planning Commission held its regular meeting on Thursday, March 27, 2003, beginning at 3:07 P.M. in the 4th Floor Conference Room of the Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mr. Robert Counts, Mrs. Elizabeth Cook, Ms. Deirdre Clark, Ms. Kristen Slawter, Mr. Danny Hatch, Mrs. Carolyn Bowen and Ms. Beckie Williams.

Mr. Robison, seconded by Mr. Sinclair, moved to amend the agenda to add agenda item 7 c, Board of Zoning Appeals Agenda, and 7 d, Presentation of Resolution to Carolyn Bowen.

The motion was carried unanimously.

1. APPROVAL OF MINUTES – February 27, 2003 and March 13, 2003

Mr. Robison, seconded by Mrs. McCarty, moved to postpone action until April 24, 2003.

The motion carried unanimously.

2. <u>INITIATION OF PROPOSED COMPREHENSIVE PLAN, SUBDIVISION</u> <u>AND ZONING ORDINANCE TEXT AMENDMENTS</u>

- a. Initiation of Subdivision Ordinance Text Amendment to update the Virginia Code References, numbering inconsistencies, and other clarifications.
- b. Initiation of Subdivision Ordinance Text Amendments to Section 5 General Standards of Design, Section 6 Street Classifications, Section 7 Minimum Street Improvements Required, Section 8 Special Area
 Requirements for Use of Street Standards and Section 17 Geometric
 Design Specifications to update the street, sidewalk and trail design,
 construction standards, specifications and requirements.
- c. Initiation of Subdivision Ordinance Text Amendments to Section 9 Preliminary Plats and Section 10 Final Plats to address the processing of constructions plans, profiles, and specifications through the Technical Review Committee.

Mrs. Cook reviewed her staff memorandum for items 2a, 2b, and 2c, copies of which are attached to and made part of these official minutes.

Mr. Robison, seconded by Mr. Sinclair, moved to remove these items from the agenda and schedule a work session in May.

The motion carried unanimously.

d. Initiation of Zoning Ordinance Text Amendment to Section 5-1812.7, Additional Standards for a Farmer's Market.

Mr. Carr reviewed Fred Hodge's staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Meadows, moved to schedule this item for the April 24, 2003 public hearing.

The motion carried unanimously.

e. Initiation of Zoning Ordinance Text Amendment to Section 5-1813.5, Additional Standards for a Community Farmer's Market.

Mr. Carr reviewed Fred Hodge's staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Meadows, moved to schedule this item for the April 24, 2003 public hearing.

The motion carried unanimously.

f. Initiation of Comprehensive Plan Amendment for the Warrenton Service District Plan.

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mr. Sinclair, moved to schedule this request for a work session ion May 29th, with the Citizen Committee.

The motion carried unanimously.

3. **PROPOSED ZONING ORDINANCE TEXT AMENDMENT**

 Zoning Ordinance Text Amendment to add Section 3-309.19 (Paintball Recreation Fields) and Section 5-919 (Additional Standards for Paintball Recreation Fields.) The Planning Commission held the public hearing January 23, 2003. (Postponed February 27, 2003 until March 27, 2003)

Mrs. Bowen reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mrs. McCarty, moved to postpone action until April 8, 2003, for further review.

The motion carried unanimously.

4. <u>Proposed Amendment to Chapter 17 of the Fauquier County Code</u> – Whether the County should consider adopting and ordinance to classify non-conventional sewage systems and require maintenance and monitoring of those systems.

Mr. Hatch reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mr. Meadows, moved to postpone action until the 7:00 p.m. public hearing.

The motion carried unanimously.

5. **ZONING ORDINANCE WAIVER**

• Waiver of Section 7-302. – Russell & Mary Ellen Culver, owner/applicant - Scott District. (PIN # 7916-02-8771-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Meadows, moved to approve this request.

The motion carried unanimously.

6. **PRELIMINARY PLATS**

a. #PP03-CR-02 – J. Randolph Parks, Trustee, owner / applicant –
Sycamore Springs – applicant wishes to subdivide approximately 21.4
acres into nine (9) lots. The property is zoned Rural Residential (RR-2)
and is located on the east side of Routes 15/29/17, Cedar Run District.
(PIN # 6982-46-9215-000 and # 6982-45-3684-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mr. Sinclair, moved to approve this request, subject to amended conditions.

The motion carried unanimously.

b. #PP03-CR-12 – John F. Myers, Jr., owner / applicant – Myers

Subdivision – applicant wishes to obtain preliminary plat approval to subdivide approximately 10.9 acres into four (4) lots. The property is zoned Rural Residential 2 (RR-2) and is located on the west side of Beach Road (Route 616), south of its intersection with Routes 15/29/17, Cedar Run District. (PIN #6982-58-2353-000) (Postponed until March 27, 2003, at the request of the applicant.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mrs. McCarty, moved to approve this request, subject to attached conditions.

The motion carried unanimously.

c. #PP03-S-14 – Mary Anne Smith, owner and Dan (Jr.) and Dana M.

Hensley, applicant – applicant wishes to subdivide approximately 11.2 acres into two (2) lots. The property is zoned Residential (R-1) and is located on the east side of Grays Mill Road (Route 674) and the north side of Dumfries Road (Route 605), Scott District. (PIN # 6995-91-1362-000)

Ms. Slawter reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Meadows, moved to approve this request.

The motion carried unanimously.

d. #PP03-L-23 – Thomas A. Moran and Galia Ofer, owner / applicant – applicant wishes to subdivide approximately 94 acres into six (6) lots. The property is zoned Rural Agriculture (RA) and is located on the east side of Rogers Ford Road (Route 632), Lee District. (PIN # 7804-46-3247-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Meadows, seconded by Mr. Sinclair, moved to postpone action for 30 days, at the applicant's request.

The motion carried unanimously.

e. #PP03-CR-26 - Vint Hill Economic Development Authority, owner / applicant - Land Bay I — applicant wishes to subdivide approximately 30.87 acres into twenty-nine (29) lots. The property is zoned Planned Residential Development (PRD) and is located on Routes 215, 602, and 652, Cedar Run District. (PIN #7925-05-6356-000)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mr. Meadows, moved to postpone action for 30 days, at the applicant's request.

The motion carried unanimously.

f. #PP03-M-11 – The California House Investment Co, owner / applicant – Fenny Hill Subdivision – applicant via es to obtain preliminary plat approval to subdivide appropriate acres into five (5) lots. The property is located of the data side of Fenny Hill Road (Route 816), Marshall District. (PIN #6031-60-1727-000) (Postponed until April 24, 2003, at the request of the applicant.)

7. SPECIAL EXCEPTIONS

- a. #SE02-L-27 D.C. Diamond Corporation, owner/applicant applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for grading and construction of a road in the floodplain. The Diamond on the southwest side of Catlett Road (Route 28), Lee District. (PIN #6889-31-7311-000) (Postponed December 19, 2002 until April 24, 2003, at the request of the applicant.)
- b. #SER03-M-02 The Salahi Family Limited Partnership, owner / applicant Oasis Winery applicant wishes to obtain special exception renewal under Category 9, which would allow for the continuation of outdoor recreational activities at the winery. The property is located on the south side of Hume Road (Route 635, Marshall District. (PIN #5998-87-0439-000 and 5998-88-4344-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mrs. McCarty thanked the neighbors of Oasis for all of their input and help. She stated that the applicant has asserted that the current conditions restrict Oasis' ability to sell wine. Mrs. McCarty said that neighboring

wineries have refuted this assertion. She stated that this issue is not the question before the Commission. Ms. McCarty said they must decide whether increased intensity will cause undue impact upon Oasis Vineyard's neighbors and whether it will adversely affect the safety of Route 635. She stated that she believed it would. Mrs. McCarty voiced her belief that the current conditions that were developed by the County, neighbors, and Oasis were fair to everyone.

Mrs. McCarty, seconded by Mr. Sinclair, moved to approve this request without any changes to the current conditions. She also stated that this renewal shall be limited to a period of one year from the date of approval and may be extended by the Zoning Administrator for two annual extensions for a total of three years.

Mr. Sinclair stated he supported Mrs. McCarty and three years ago Oasis, the neighbors, and the county made a bond that should be kept.

Mr. Meadows asked if the applicant was requesting for only one hour extended clean up or an indefinite period? Mrs. McCarty answered the applicant was requesting an indefinite period. Mr. Counts stated that during a meeting with the attorney, he clarified that the applicant was requesting a complete elimination of cut-off period. Mrs. McCarty stated that at that point it would be hard to determine when the event actually ended.

Mr. Meadows stated he supports Mrs. McCarty's motion.

Mr. Robison agreed that three years ago a compromise was reached and any changes would be unfair to the neighbors and the citizens of Fauquier County. He thanked the community for speaking and advised them that if any problems were to arise in the future to contact the zoning office and perhaps during renewal time the conditions would be adjusted the other way.

Mr. Meadows clarified that the motion was for a one-year renewal with two administrative renewals. Mrs. McCarty confirmed.

The motion carried unanimously.

c. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison asked if there were any comments before staff forwards them onto the Board of Zoning Appeals.

No comments were stated.

d. PRESENTATION OF RESOLUTION TO CAROLYN BOWEN

Mr. Robison presented and read the Resolution to Carolyn Bowen thanking her for her years of service as Zoning Administrator.

The Fauquier County Planning Commission held its Public Hearing on Thursday, March 27, 2003, beginning at 7:00 P.M. in The Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Robert Counts and Ms. Beckie Williams, Administrative Secretary.

Mr. Meadows, seconded by Mr. Robison, moved to amend the agenda to add item #11, Proposed Amendment to Chapter 17 of the Fauquier County Code

The motion carried unanimously.

8. THE PLEDGE OF ALLEGIANCE

Mr. Robison lead the Commission and public in the Pledge of Allegiance.

9. <u>CITIZENS TIME</u>

No one spoke.

10. **SPECIAL EXCEPTIONS**

- a. #SE03-S-18 Earl R. Simpson, owner, ASQUIP, INC., contract owner, and DuBrook Concrete, Inc., applicant applicant wishes to obtain special exception approval under Catagory 17, which would allow for the construction of a concrete by 100 The property is zoned Industrial 2 (I-2), and is local (131 Intersection of Routes 55 and 622, Scott District. (PIN #6979-57-4795-000) (Postponed December 19, 2002 until March 27, 2003, at the request of the applicant.)
- b. #SE03-CR-24 John C. Kandl, owner / applicant applicant wishes to obtain special exception approval under Category 20, which would allow for the repair / replacement of a sewer system. The property is zoned Rural Agriculture (RA) and is located at the intersection of Rogues Road (Route 602) and Ritchie Road (Route 644), Cedar Run District. (PIN # 7818-24-3358-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Kandl, applicant, stated the Health Department recommended this system and it has been designed and checked. He asked the Commission to please approve this system.

Mr. Serf Guerra, Cedar Run District, asked staff to please clarify the VDOT info. He stated that Mr. Counts said VDOT has not submitted any information; however, the applicant initiated this request about seven months ago. Mr. Counts responded that staff has not received anything in writing from VDOT.

Mr. Guerra stated that the applicant has received the DEQ discharge permit. He voiced that the prior owners did not have water and he personally saw them dump buckets from the house. Mr. Guerra affirmed that Mr. Kandl cleaned this area up and made it better for Fauquier County.

Mr. Robison closed the public hearing.

Mr. Robison, noting the absence of Commissioner Stone, seconded by Mr. Meadows, moved to postpone action for 30-days.

The motion carried unanimously.

c. #SE03-CR-23 - Fauquier County, owner / applicant - Warrenton-<u>Fauquier Airport</u> - applicant wishes to obtain special exception approval under Category 20, which would allow for the construction and operation of a wastewater treatment and disposal system. The property is located on the west side of Midland Road (Route 610), Cedar Run District. (PIN # 7809-78-6301-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Tony Hooper, Fauquier County Assistant County Administrator, stated this application is the result of the efforts of numerous agencies. He said because of the expansion of the airport it needed to have adequate facilities. Mr. Hooper stated that the original intent was for this system to be owned and built by Fauquier County and maintained by WSA; however, this might change.

Mr. Danny Hatch, Fauquier County Soils Scientist, gave a brief description of what this system will look like and how it will work.

Kitty Smith, Marshall District, asked the Commission to clarify whether or not this property is in a Service District. Mr. Carr responded that it was. Ms. Smith asked how is it decided who is able to use this system, in addition to the airport, and who is not. She then asked how could the Rappahannock River be considered a reserve when the system is not set up for it. Ms. Smith stated that she realized that this system is needed but asked the Commission to think about these questions.

Ms. Kay Patton, Cedar Run District, stated she was confused because the application states the initial service in Phase I is 300 to 500 gallons but then it goes on to say it is 2500, she asked for clarification of this. Mr. Robison advised the applicant to meet with staff to address her questions.

Mr. Chester Stribling, Lee District, applauded the county for being proactive to fix the problem at the airport and support businesses in this area. He stated his concerns are the soils and the cost of this. Mr. Stribling asked if there has been a cost comparison to do this system or extend the existing line in Bealeton. He stated he is looking forward to having businesses in this area open up 100% but he asked the Commission to do the right thing and not settle for second best.

Mr. Harold Petty, stated he concurs with Ms. Smith.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mr. Robison, seconded by Mr. Meadows, moved to postpone action for 30-days and leave the public hearing open.

The motion carried unanimously.

- d. #SEA03-L-02 Marsh Run Generation, LLC, owner / applicant applicant wishes to obtain special exception approval to amend a previously approved application of an access road to previously approved applicant in the second of the second o
- e. #SE03-S-25 Craig J. & Nina K. Anderson Sweetwater Subdivision applicants wish to obtain special exception approval under Category 29, which would allow for a waiver of the public street requirement in residential zones. The property is described as Lot 3, Sweetwater Subdivision, Scott District. (PIN # 7915-26-1743-000, 7915-26-0533-000 and 7915-26-3740)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Craig Anderson, applicant, thanked the Commission and staff.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request.

The motion carried unanimously.

11. <u>Proposed Amendment to Chapter 17 of the Fauquier County Code</u> – Whether the County should consider adopting and ordinance to classify non-conventional sewage systems and require maintenance and monitoring of those systems.

Mr. Meadows, seconded by Mr. Sinclair, moved to approve this request with revised language and refinements, as outlined below.

The motion carried unanimously.

ORDINANCE

AN ORDINANCE APPROVING AMENDMENTS TO CHAPTER 17 OF THE FAUQUIER COUNTY CODE REGARDING SEWAGE SYSTEM MAINTENANCE AND MONITORING FOR BOTH NEW CONVENTIONAL AND ALTERNATIVE SYSTEMS.

WHEREAS, the Fauquier County Code Chapter 17 allows land owners to treat and dispose of domestic wastewater on-site; and

WHEREAS, landowners shall obtain a Virginia Health Permit which is in substantial compliance with all State Health Department Regulations and County Regulations; and

WHEREAS, with the advancement of technology in pre-treating wastewater before being disposed into the soil, approved alternative systems are now available for use in soils that are not suitable for traditional systems; and

WHEREAS, the perpetual and routine maintenance of these alternative systems is imperative for the long term successful performance to ensure that the public health and the environment are protected; and

WHEREAS, Virginia State Health Regulations do not mandate maintenance and monitoring of on-site residential sewage systems; and

WHEREAS, the Fauquier County Board of Supervisors realizes the importance in mandating a maintenance and monitoring program to protect the citizens and the land and other resources of Fauquier County; and

WHEREAS, on March 13, 2003, the Fauquier County Planning Commission conducted a public hearing and voted to recommend approval of this amendment; and

WHEREAS, on June 16, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of this ordinance would be in keeping with the spirit of the Fauquier County Code and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 21st day of July 2003, That Sections 17-20 and 17-21 of the Fauquier County Code be, and is hereby, amended to set standards for traditional systems and alternative systems and their design; and, be it

ORDAINED FURTHER, That Section 17-22 of the Fauquier County Code is amended to set standards for mandated routine maintenance and monitoring requirement for on-site systems; and, be it

ORDAINED FURTHER, That Sections 17-23 and 17-24 of the Fauquier County Code be amended to set standards for permit owners that neglect or are in violation of this Ordinance; and, be it

ORDAINED FINALLY, That amendments to Sections 17-21, 17-22, 17-23, and 17-24 ar added to Chapter 17 of the Fauquier County Code. These amendments shall read as follows:

Article II. ON-SITE SEWAGE SYSTEM DESIGN, MAINTENANCE AND MONITORING

Sec. 17-20 Categories of on-site waterborne sewage disposal systems

There are two categories of on-site waterborne sewage disposal systems:

A. Traditional systems:

A traditional on-site sewage disposal system consists of a sewer line, septic tank, distribution box and a series of 2' to 3' wide drainfield laterals installed in gravel. These systems are designed to dispose and treat the effluent at a depth of 18'' to 54'' and depend on the naturally occurring soil. Traditional systems may use a sewage pump to lift the effluent to a single higher elevation.

B. Alternative systems:

1. Alternative proprietary pre-engineered systems:

A proprietary pre-engineered system is an alternative non-discharge system, which has received general approval from the State Health Commissioner.

2. Alternative Engineered systems:

Engineered systems are those non-discharge systems, which have not received general approval from the State Health Commissioner.

Sec. 17-21 Design Requirements for Alternative systems

A. Alternative proprietary pre-engineered systems:

An Authorized On-site Soil Evaluator (hereinafter AOSE) may design a proprietary pre-engineered system, which is within the pre-engineered limits of the system. When the system is not within the pre-engineered limits or involves a reduction in

disposal area, the Health Department may require design or review by a Professional Engineer, licensed to practice in the Commonwealth of Virginia in consultation with an Authorized On-site Soil Evaluator and Virginia Certified Professional Soil Scientist.

B. Alternative Engineered systems:

Engineered systems shall be designed by a Professional Engineer licensed to practice in the Commonwealth of Virginia in consultation with an AOSE and Virginia Certified Professional Soil Scientist.

Sec. 17-22 Routine maintenance and monitoring requirements for on-site systems:

A. Traditional systems:

Traditional systems installed, repaired, replaced or extended after the effective date of this ordinance or located within an area designated by the County as an Aquifer Protection Overlay District or Watershed Management and Protection Overlay District must be cleaned every 5 years unless there is a garbage disposal unit or grinder pump, in which case the septic tank must be cleaned at more frequent intervals if necessary to prevent non-biodegradable material from migrating to the disposal field. Prior to transfer of any property served by a traditional system, the owner shall furnish to the Health Department and the grantee a receipt or evidence that the system has been cleaned within the previous 5 years, and thereafter the grantee and subsequent purchasers shall be required to clean the system in accordance with the requirements of this ordinance. After the date of adoption of this Ordinance, all new or replacement septic tanks shall be installed with adequate manholes, properly secured, to allow easy inspection and cleaning of the holding tank.

B. Maintenance and monitoring of Alternative systems:

- 1. As a requirement of the design every alternative system must have an "Operation and Maintenance" manual, written in lay terms which can be easily understood by the homeowner as well as the professional operator (if required). At a minimum, when the AOSE/Engineer prepares the original plan for the alternative system, that person must specify the effluent limits for the system as well as the routine service requirements and degree of expertise required to operate the system. When the system design incorporates a proprietary system, the manufacturer's operation and maintenance manual may be adequate to comply with this section if so stipulated by the designer.
- 2. Alternative systems that require routine maintenance over and above traditional systems require a CONDITIONAL PERMIT with the maintenance requirements recorded as a part of the permit approval. The conditional permit, along with the document that enumerates the conditions must be recorded and indexed in the grantee index in the Land Records of Fauquier County. The Health Department may impose conditions based upon the maintenance requirements of the system, including but not limited to, a requirement for a maintenance contract, professional operator or demonstration of competency to operate the system by the owner/operator.
- 3. Alternative systems in existence prior to the adoption of this ordinance shall be operated and maintained in accordance with the manufacturer's and/or designer's specifications. Any alternative system existing on the date of adoption of this ordinance which is repaired, altered, replaced or extended shall be governed by the provisions of this ordinance.

C. Maintenance of disposal fields for traditional and alternative systems:

- 1. An appropriate ground cover shall be established and maintained over the disposal site. Permanent lawn irrigation systems are prohibited within twenty feet of any disposal area. Trees and shrubs shall not be planted or allowed to grow in the disposal field. The area reserved for the subsurface disposal field and future repair of the system shall be retained for that sole purpose.
- 2. No structures shall be placed over the subsurface soil absorption system. Driveways or parking lots shall not be constructed on the subsurface soil absorption system unless the invert of the lead or header lines or top of the gravel in the absorption trenches is deeper than 30 inches below the ground surface and the driveway or parking lot is paved with Portland cement or bituminous concrete to prevent compaction of the trench bottom. Driveways and parking lots shall not be constructed over the distribution box unless adequate structural and access provisions are provided.

Sec. 17-23 Neglect

In order to protect the public health it shall be unlawful for any owner to neglect or abuse any sewage disposal system, fail to perform the routine or necessary maintenance, fail to comply with the requirements of a conditional permit, fail to file required monitoring reports, or fail to comply with any other provision of this article.

Sec. 17-24 Violations; Penalties; Applicability

The penalty for any violation of this Article shall be the same as that set forth in Article I, Section 17-19. This Article shall apply to all systems constructed after the date of adoption.

12. APPROVAL OF MINUTES – February 27, 2003 and March 13, 2003

Mr. Sinclair, seconded by Mrs. McCarty, moved to postpone action until April 24, 2003.

The motion carried unanimously.

There being no further business the meeting was adjourned.

A tape recording of the meeting is on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.